# WASHINGTON CITY.

FRIDAY MORNING, DEC. 25, 1867.

ET, JOHN E. DERRING, JOHN COLUMN, J. HAMSETT, E

1. Beven, R. T. Roykenon.

Ser Mr. C. W. Jarse, No. I Harrison street, Cincinnati, Ohio, is our oberal collecting agent for the Western States and Texas, aminted by I. J. TROMAS, WILLIAM H. TROMAS, THOS. M. JARSE, Or. A. L. CHUDS, Bonnes Konies, and Rucasen Laux. Recepts of either will be good.

Re-Mr. Ges. W. BRAY is authorized to collect meneys due the nion Office for subscriptions and advertisements in the District of colombia.

#### OFFICIAL.

APPOINTMENTS BY THE PRESIDENT By and with the advice and consent of the Senate

John A. Parker, jr., register of the land office at Omaha city, Nebraska Territory. Charles W. Porter register of the land office at

Platteburg, Missouri. John S. Houston receiver of the land office at

Plattsburg, Missouri.

### CHRISTMAS TIMES

That the numerous employees of the Union establishment may have an opportunity to participate in the pleasures of the day, no paper will be issued from this office to-morrow morning. We tender to them many and joyous returns of a day that has been celebrated for ages as one of festivity and enjoy-

#### THE DISTRICT CODE.

In its appropriate place will be found a proclama-tion by the President, submitting the new code, pre-pared by direction of an act of Congress, to the citizens of the District for their approval or disapproval. The vote is directed by the same act authorizing the preparation of the code, and will be taken on the 15th day of February next.

### GEN. CASS'S LETTER TO GOV. WALKER.

We reprint to-day General Cass's letter in reply to Governor Walker, because, by an inadvertence equally mortifying and inexcusable, it was allowed to ap-pear in yesterday's Union with many typographical errors. In now reproducing it, however, we have the consolation of knowing that it will bear a second reading, and of making it the occasion of one or two remarks with which we had intended to accompany its first publication.

is first publication.

With respect to the impropriety of which Gov. ernor Walker was guilty, in adding to his resignation of his office a formal arraignment of the policy of the administration upon the subject of Kansas, there can hardly be a division of opinion among his countrymen. His course, in this particular, has been strongly censured even by those whose general views concerning the Lecompton convention, are fully in accordance with his own. "The President" (says the New York Evening Post) "has no official concern with the opinions Mr. Walker held in 1833, or with any theory of State rights he may have promulgated through the press or from the storap during any other stage of his distinguished political career." And the Post adds that "he could hardly have permitted himself to be reasoned with by his subordinates in this way without bringing his administration into contempt." The clear and pointed reasoning of General Cass has left no doubt on this subject, and his rebuke to Governor Walker is

alike dignified and just. Equally triumphant is the statement of General thes in reference to an alleged change by the President of his Kansas policy. The whole Kansas issue at this time is admirably compressed by the distinguished Secretary into a single sentence. Why this allegation, he asks, of inconsistency? "Simply because the convention of Kansas, having, in the exercise of the right belonging to them, decided that they would not submit the whole constitution to the people, although they have submitted the all-important and dangerous question of slavery, which threatened to convulse the Union, and was alone prominent in the minds of the people throughout every State, he had not treated the submission of this momentous question as a mere nullity." Is not this the whole complaint against the President on the part of Governor Walker and his friends? If he had treated the convention as a mere nullity-if he had ignored its action-if he had protested against the elections which it ordered-if he had endeavored to prevent its doings from being presented legitimately before Congressthen, perhaps, he might have escaped the opposi tion which he now meets, and the Topeka conven tionists might have hailed him as an ally. But, in that event, who does not see that he would have met another and a very different opposition-the opposition not only of a party but of the country, no only of persons but of principles, not only of fac tions discontent, but of legal right? This latter opposition he has avoided, by simply keeping the straightforward pathway of his official duty-by acting in full accordance with his original policy and his first instructions to Govern Walker-by refusing to intervene in matters with which he had no concern—by continuing to recognise the convention as a legal convention-by respecting its acts as the acts of an authorized body-and by declining to substitute his will for the will of the convention and to endeavor to prevent its constitution from having a fair hearing in Congress. The President's views and policy on this whole subject have been wilfully misrepresented in some quarters. and strangely misunderstood in other quarters. When his message was read in the Senate on the second day of the session, even the distinguished senator from Illinois arose in his place and lost no

time in declaring his opposition to that part of it

which relates to Kansas. But the next day that

same senator announced to the Senate that he

had not fully understood the President, on the

very subject with reference to which he had made

his precipitate opposition. We should be glad

to hope that, upon further reflection on the message.

not only that senator, but others who agree with

him in his recent surprising demonstration, may find

that they still misunderstand its policy and its prin-

ciples, which, so far from being opposed to the pro-

visions of the Nebraska bill, are in direct accordance

with them, and, so far from making war upon the

principles of popular sovereignty, clearly recognise

the right of the people to make their own institutions

in their own way. The position of the President on

this aubject is, we firmly believe, impregnable; no

matter what may be the current of future events. If

discord is renewed in Kansas, he has no respon-

sibility for it. He has given no pretext to re-

ant crisis, in order to take advantage afterwards of their own wrong, and to complain of the vote not having been sufficiently fell. He has not hesitated, on the contrary, to encourage every citizen to vote. He has endeavored to keep the peace in the Territory to make the elections secure, of it, have pursued a directly opposite course. We every day, in every government on the face of the has been adjusted. With a good constitution offer- distributed into three departments, conducted ed them, with the slavery question submitted, and an three different agencies—legislative, executive, and opportunity afforded them of getting the full control judicial—is a proof that sovereignty is delegated, and of their own affairs by being admitted into the Union, why should the people of Kansas go into revolution? Against what outrage would they rebel?

Letter of Acceptance.

Letter of Acceptance.

Department of State,
Washington, December 18, 1857.

Sir. On Wednesday last I received your communication of the 15th inst. tendering your resignation as governor of Kansas. This resignation is accompanied by a long argument on the affairs of that Territory generally, to which, you are well aware, it would be improper for the department to reply. If every officer of the government who feels himself constrained to refuse obedience to the instructions of the President should pursue this unusual course, and thus place on the files of the appropriate department a criticism on the policy of the administration, no person knows better than yourself to what consequences this might lead. The department must either cause charges and arguments against the President to be filed among the public archives of the country without contradiction or reply, or it must spend the time which ought to be devoted to the public service, in controversies with subordinate officers who may disapprove the President's policy. Whilst duty, therefore, forbids me to enter into a controversial discussion with you on the various topics embraced by your argument, it is proper that I should make a remark upon a single point.

You state that the President has changed his policy in regard to Kansas. And why this allegation? Simply because the convention of Kansas having, in the exercise of the right belonging to them, decided that they would not submit the whole constitution to the people, although they have submitted the all-important and dangerous question of slavery, which threatened to convulse the Union, and was alone preminent in the minds of the people throughout every State, he had not treated the submission of this momentous question as a mere nullity.

Under these circumstances, it was his imperative duty, and this in strict conformity with previous instructions, to take care that a fair election should be held on this vital question, and thus give peace to the Union. Had he acted in any other manner merely because he

tion would be invalid without such a submission.

Had he entertained such an opinion, this would have been opposition to the numerous precedents which have occurred since the adoption of the federal constitution by he different States. The question of slavery was the all-borbing question, and you were sent to Kansas with the ill confidence of the President to carry out the princi-es of the Kansas-Nebraska act. With the question bether Kansas was to be a free or the contraction. full confidence of the President to carry out the pr plea of the Kansas-Nebraska act. With the quer whether Kansas was to be a free or slave State you not to interfere. You were to secure to the peopl Kansas a free and fair election to decide this question themselves. The President was, therefore, happy to learn from your despatch to this department of the 15th of July last, that in all your speeches you had refrained from expressing any opinion as to whether Kansus should be a slave or a free State.

I am instructed to inform you that your resignation of

the office of governor of Kansas has been accepted.

I am, sir, your obedient servant, LEWIS CASS.

Hon. ROBERT J. WALKER, Washington.

# THE SENATORIAL ELECTION IN KENTUCKY

In the lower house of the Kentucky legislature here is a large democratic majority; in the other. there is an opposition majority of two. This state of political parties has occasioned a postponement of he election for senator, which it devolves upon the legislature to make at its present session. The contitution of the United States directs that the times. places, and manner of holding elections for senators hall be prescribed by each State. In compliance with this direction the legislature of Kentucky has passed a law prescribing the time, place, and manner ecordingly, as follows:

accordingly, as follows:

"Sec. 1. Senators in the Congress of the United States
shall be elected by rice rece vote of the members of the
two branches of the general assembly by joint ballot.

"2. The election shall be held on the eighth day after

the organization of the general assembly, which next pre-cedes the expiration of the senatorial term of the incum-bent; and if no election is made on that day, the two houses may adjourn from time to time until the election is made."

The eighth day of the session was the 15th inst. when the senate refused, by a strict party vote, to go into an election. Thus a single branch of the egislature has undertaken to nullify a law, and forced that body to neglect the performance of an mportant duty. Subsequently, on the same day, he 15th, the senate agreed to a resolution to go into an election of senator on the 5th of January next. As various State officers are to be chosen at the same time, such as keeper of the penitentiary, State printer, librarian, &c., it is probable that an lection for United States senator will also be accomolished, although the democrats are apprehensive that the know-nothing majority in the senate will then endeavor to postpone it altogether. The regularity of the election, if made, will be fully sustained under the last clause of the second section of the law already quoted.

On the evening previous to the day fixed by law for the election, the democratic caucus nominated as the candidate for the senate ex-Governor L. W. Powell. Other distinguished members of the party in Kentucky were sustained by their friends, but papers of that State say that perfect harmony and good will prevailed. We hope yet that an election will be made at the time designated.

# THE TREASURY NOTES.

The Secretary of the Treasury has decided that he denominations of these notes, recently authorized by Congress, shall be \$100, \$500, and \$1,000. Contracts have been made with Rawdon, Hatch, & Co., of New York, for engraving the plates for the notes of the two smaller denominations, and with Topping Carpenter, & Co., of Philadelphia, for the other de nomination. They are to be executed in the best style of American art. It is expected that these notes will be ready for issue in about two weeks.

In Crawford's studio at Rome are casts of marble copies of all his works; their numbers, variety, and excellen attracts crowds of visitors. They should be transported to America, placed in an eligible and fire-proof building exclusively devoted to their conservation, and forever remain as a monument to the arts and honor of his native land. Such a tribute Copenhagen gave to Thorwaldsen, and it is the shrine of the world's pilgrims in Northern bellion. He has not encouraged the residents Europe.

SOVEREIONTY—CAN IT BE DELEGATED! but the people are sovereign. Every tyro knows
Gov. Walker, in his recent letter of resignation, affirms that it cannot be, because "sovereignty is a unit," indivisible," and "incapable of partition"—
but the people are sovereign. Every tyro knows
DENVER AND GOV. WALKER.

Among the mass of correspondence transmitted to the Senate on Wednesday last, we find the instrucmeans in his power. If further difficulties occur in necessary prerequisites for becoming a State, cannot Kansas, the responsibility, we repeat, will not rest be doubted; but it does not, therefore, follow that upon him, but upon those who, in Kansas and out sovereignty cannot be delegated. It is delegated question, out of which they originally grew, Gov. can exercise sovereignty without delegating it, when-Walker himself declares to be a past issue, and it is ever circumstances require the employment of a subconceivable that intelligent and patriotic men should stitute. The very fact that in our own country, both desire to prolong a disturbance after the cause of it in our federal and State governments, sovereignty is properly so. These three departments of government, under our representative system, embrace the whole of our sovereignty, and the unity of sovereignty is not destroyed, but maintained, by being so distributed. Each of these elements is essential and each equally essential, to the unity of sovereignty. If we take any one of them away, its unity is lost-just as light, heat, and rays constitute the unity of the sun; and if we take away any one of them, we effectually destroy that luminary. Sovereignty is a trinity in unity—at least as it exists in this country, and, equally so, in Great Britain. The whole of the three departments of sovereignty exist primarily in the people of each State. The supreme ower resides in the people of a State, which is mit. But sovereignty is exercised, and necessarily exercised, by and through agents, representatives and delegates, and the act of the agent is the act of the principal, if the principal has authorized the act. Qui facit per alium, facit per se. This is the dotrine of the common law, and of common sense Every one understands it. Nobody is ignorant that e can employ an agent to act for him, and that, when the agent has so acted, he is himself bound by the acts of his agent, who as effectually carries out his will as if he had acted himself. This is the universally-recognised principle of a representative government as it exists in this country. The peo ple may act by and through agents, delegates and representatives, and the acts of the agent become their acts, and they are bound by them No government could be carried on without resorting to this universally-recognised principle of representation. The people of no State in the Union are called together to endorse every act of its legis lature by submitting it to a popular vote. If every act of the United States government were required to be submitted to the people to be voted on before it became a law, no law could ever be passed at all. No government, under such circumstances, could exist. Constitution-making, and even ordinary legislation, are very nice matters, of which every man is not fitted to be a judge; and they are, therefore, by universal consent, submitted to the wisest and best men in the community, and they derive their power and authority, as Mr. Jefferson has well said, from this universal consent. If a people accordingly through their legislature, call a convention to constitute a republican form of government for them, and the convention, acting in good faith, executes the trust committed to them, the people do, by this very delegation of their power to such convention, beme as entirely responsible for its acts as if they had acted, for the same ends, in a great democratic mass meeting, including the whole of the citizens of the State or of the Territory. The act

> their acts, and are so known and acknowledged to be by the laws of the land and by universal usage. Does Governor Walker, by insisting that sover eignty is a unit and indivisible, mean to imply that the people, in whom the sovereign power resides, may not employ as many agencies as they think proper their unity and indivisibility, and without losing the the soul lost by its sometimes acting through the eye, sometimes through the tongue, sometimes through the hand, and sometimes through the footall of which are agents, so to speak, by and through which it acts, when it acts at all? May not States act, and act more conveniently, summarily, and effectually, through representative bodies-such as conventions, legislatures, and sometimes by and through a single individual, as a commissioner or a plenipotentiary-than by meeting together in a tumultuous manner, throughout the whole length and breadth of the land, and giving their several votes. under the influence of this oligarchy or that, on some neasure of public policy? Undoubtedly they may so act, without parting with any portion of their free will, but maintaining it to the utmost.

is, to all intents and purposes, theirs, and they can-

not gainsay it-cannot say it was not their act, but

the act of their agents or representatives in conven-

tion assembled; for the acts of their agents are

The argument of Gov. Walker seems to be intend ed to assail the doctrine of popular representation and, if it have any force at all, it limits popular sovereignty by depriving the people of one essential privilege which they have always enjoyed-viz : that of acting by and through their own agents and rep resentatives. It carries us back to the idea of a pure and utterly impracticable democracy, in which the people govern themselves by a majority vote of the entire mass; in which the millions, tossed hither and thither by every variety of passions and opinions, meet together and cast their votes upon every measure. If they delegate their power and sover eignty to conventions and legislatures, to governor and Presidents, they, by so doing, and on the in stant, part, forsooth, with their sovereignty, and divide the indivisible unit! Is this the American theory? Is it common sense? What is it but an archy and the overthrow of all systematic and or derly government? Are these new-fangled notion to obtain currency and be adopted as precedents? God forbid! Obsta principiis. Let them be met at the threshold, and thrust aside summarily with a strong arm. They are not fit to enter the temple of regulated liberty as welcome and honored guests.

Equally absurd and anarchical are certain other e-spun distinctions contained in this celebrated letter, such as that "law is not sovereignty, but an propriety, say that sovereignty is not sovereign, neiro.

because there can be only one sovereign in and over the force of sovereignty. Can the people resist the tions to Acting Governor Denver, upon his appointone and the same domain. That sovereignty is a law, under the idea that the law is not supreme, beunit and indivisible, and that sovereignty resides in cause the people who created it stand behind it? the instructions to Governor Walker, of the 2d Sepand to uphold the cause of law and order by every means in his power. If further difficulties occur in necessary prerequisites for becoming a State, cannot any such false impression; and the government, constitutionally exercised, is sovereign, because the people, the legitimate source of sovereignty, made it by and through their authorized agents. A little sincerely hope, however, that no further difficulties earth—the most despotic as well as the most free—and will occur in that unfortunate Territory. The slavery in a thousand different ways. No king and no State sovereignty, by and through the laws of the land, would soon convince any skeptic that such is the fact. The wire-drawn distinctions made by this ingenious letter-writer may diminish the respect which ome people entertain for laws and governments, but will not abate the necessity which all are under to

AD VALOREM AND SPECIFIC DUTIES. Under the present tariff the duties levied are ad alorem—that is, a certain per centage is imposed spon each dollar of the cost abroad of the article imported. Under every tariff more or less of the importations have been assessed in the same way. On ome occasions specific duties have been imposed of so many cents per pound, square-yard, or gallon. Under the latter, when sugar, wool, tea, coffee, spices, gums, lead, iron, and like articles, cost a very low or very high price, the duty remains the same. Sugar costing four cents a pound abroad would pay as much duty as if the same had cost ten or twelve. So of lead, iron, &c. A square yard of cloth would pay the same duty, whether it bore in the market a high or low price. Wine, brandy, molasses, and articles sold by the gallon, would pay the same duty whether costing a high or low price. Some tariffs have declared that certain articles should be deemed to cost specified prices, whether they did so or not. Of course all such enactments relate not to the real. but to an artificial value. The importer pays the same amount of duties on a given quantity, whether it cost much or little. The real value or cost of the importation would not affect the amount of duties to be paid. The government would demand the same tax for admission to entry whether the article im-

ported was worth a large or a small sum. The real value of the importation would have r pearing upon the amount of duties, because the specific tax is arbitrarily fixed by an inexorable rule. Under a tariff so regulated the consumer enjoys only partial benefit from low prices abroad, because the custom-house assessments continue at the same rate. regardless of the cost. Such a system is artificial and unnatural, and cannot lead to just and salutary results. The tariff of 1846 abolished these artificing ules, and imposed a duty upon the actual cost of all importations at specified per centages. If articles are purchased at a low price abroad, they pay a duty upon the cost, and the consumer enjoys every advantage resulting from low duties. He is not compelled to pay a large duty upon what costs but little If the importer purchases low, he can sell low; if he buys at high rates, he will sell accordingly. Everything is real instead of fictitious, and the consumer will profit to the broadest extent by low prices

The amount of revenue derived from importation s much more uniform under an ad valorem tariff tha under one imposing specific duties. When prices are high abroad, importations are usually checked by them, and the amount of revenue will essentially fall off, except for the increased amount of duty paid upon a given quantity; and when low, the amou would be diminished, but for the increased amount of the importations. Under the specific-duty system the variations in foreign prices produce great inequalities in our national income. When goods are high abroad, with high duties at home, the revenue falls off, although the gross amount of the foreign purchase may be large. When they are low abroad, the tendency is towards an increased quantity of importations, and a consequent large increase of receipts into the treasury. This instability is always injurious to the public interest. The present mode of estimating duties has a simplicity about it which to carry out their sovereign will without destroying is very convenient to the importer and government. Duties estimated by the pound, gallon, or square smallest particle of their sovereignty? Is the unity of yard, require that every article shall be weighed, guaged, or measured; and in the last-named class. ong computations to ascertain the number of square yards before the duties can be calculated. This artificial system is still further complicated when the maximum and minimum mode of valuation is resorted to, under which certain articles are deemed to cost a fixed sum, whether they do so or not. The tariff act of 1846 wisely rejected all these artificial contrirances, and adopted the common-sense plan of levying duties upon the actual cost, with reference only to the collection of such an amount of revenue as the commerce of the country will bear, without materially affecting the importations or disturbing the laws of supply and demand, and as the wants of the government require for its support. Thus far the ystem of ad valorem duties has worked most admirably in every respect, and none but those who have illegitimate collateral purposes in view, and seek to profit by special legislation, have ever thought of

NAVAL NEWS The Navy Department has received despatche from Captain S. F. DuPont, commanding the steam frigate Minnesota, dated Table Bay, Cape of Good Hope, September 14, 1857, having arrived at that harbor on the 7th previous. From Norfolk the trip was made in sixty-seven days. The winds had been singularly adverse and generally light, and Captain DuPont expresses the opinion that the passage could not have been made in that time but for the remarkable sailing qualities of the Minnesota. Towards the close of the run, for a few days strong fair winds prevailed, affording the first and only opportunity of testing the speed of the ship in the higher rates of sailing, when she reached sixteen knots under sail alone. The general health of all on board was good. After taking in a supply of coal, the Minnesota would leave about the 21st of September for Mew Bay, Straits of Sunda.

The steam frigate Saranac, Captain John Kelly, ar rived at the island of Barbadoes on the 5th instant, after an exceedingly tempestuous passage of fourteen days from Cape Henry. On the 27th Novem ber the ship encountered a very severe hurricane act of sovereignty; that constitutions and govern- which continued until the 1st of December. As soon ments, State and federal, are not sovereign, but acts as a supply of coal had been taken in, the Saranac of sovereignty," and the like. We might, with more would proceed to Bahia, and thence to Rio de Ja-

DEPARTMENT OF STATE, Washington, Dec. 11, 1857.

To James W. Danven, Secretary and Acting Governor

Department or State,
Washington, Dec 11, 1857.

To James W. Denver, Sorretary and Acting Governor of Kansas Territory:

Sir.: You have already been informed that Mr. Stanton has been removed from the office of secretary of the Territory of Kansas, and that you have been appointed in his place. I desire now to state to you distinctly the reason of this change. The convention which met at Lecompton on the lat of September had framed a constitution, and had authorized its president to submit the question to the people on the 21st of December whether this constitution should be adopted, with or without slavery. The importance of the issue could not well be over-eatimated. It involved the complete and authoritative settlement of the only subject of difference which had seriously agitated Kansas, or interfered with its prospecity. The qualified electors, therefore, to whom this settlement was referred, not only had an anquestionable right to attend at the polls and give their votes on the day appointed, but they were required to do so by the highest considerations of public duty. In the exercise of this right, moreover, they were critical to adequate protection by the territorial government, and the acting governor was bound to employ all the legal means at his command to give security and fairness to the election. With the conflicting opinions which prevailed in the Territory on the question submitted he had no right to interfere. They had their appropriate issue at the ballot-box, and to that peaceful arbitrament they might safely be referred. The great objects to be accomplished, in the opinion of the President, were, to preserve the peace of the Territory and secure the freedom of the election. Entertaining these views, he was surprised to learn that the secretary and acting governor had on the first of December issued his proclamation for a special session of the torritorial legislature on the 7th instant, only a few weeks in advance of its regular time of meeting, and only fourteen days before the decision was

to those special occasions. It extends, of course, to the protection of all citizens in the exercise of their just rights, and applies to one legal election as well as to another. The territorial legislature doubtless convened on the 7th inst., and while it remains in session its members are entitled to be secure and free in their deliberations. Its rightful action must also be respected. Should it authorize an election by the people for any purpose, this election should be held without interruption, no less than those authorized by the convention. While the peace of the Territory is preserved and the freedom of election is secure, there need be no fear of disastrous consequences. The public journals contain reports of an intended movement by a portion of the residents in Kansas to organize a revolutionary government under the Topeka constitution. It is hardly probable that this report can be wellfounded; but, should the attempt be made and lead to tion. It is hardly probable that this report can be wellfounded; but, should the attempt be made and lead to
practical collision with the territorial authorities, the
authority of the government must necessarily be
maintained; and from whatever quarter it is attempted to interfere by violence with the elections authorized by the constitutional convention, or which may
be authorized by the legislature, the attempt must
be resisted, and the security of the elections can obviously
occasion no injury to any citizen or any party, because
their results can have only their due weight under the
constitution and the laws. It is to be expected, therefore, that no good citizens will endeavor to interfere with
them, but that all the people will be contented to see the
work of the convention peacefully carried out to its legitimate results, and fairly presented to the consideration of
Congress. The President relies upon your firmness and
discretion to give effect to these instructions. It is vitally important that the people of Kansas, and none other by important that the people of Kansas, and none of than the people of Kansas, should have the full deternation of the question now before them for decision.

is important also that, in securing to them the protection to which they are entitled, great care should be taken not to exercise any illegal authority. On this point I again refer you to my instructions to Gov. Walker and Secretary Stanton, which you will regard as directed to yourself. It is proper to add that no action of the territorial legislature about to meet can interfere with the elections of the 21st December and the 4th of January in the mode and manner prescribed by the constitutional convention. I am, sir, very respectfully, your obedient servant, LEWIS CASS.

DEPARTMENT OF STATE, Washington, September 2, 1857. Sm: I have received your letter of the 19th ultimound have submitted it to the President for his consideration. He has instructed me to communicate his view upon the subject therein referred to.

You express the decided opinion that the Territory tansas is now threatened with civil war, and that Kansas is now threatened with civil war, and that the danger results from the conflicting constructions which are given to the laws regulating the qualifications of voters, and which may be forcibly maintained at the polls. And you consider it very important that the opinion of the President should be communicated to you, that you may make it known to the people of the Territory in the confident persuasion that such a measure would exert a salutary influence, which would probably "prevent a sangulary and disastrous civil war."

This appeal coming as it does from the chief magis-

sanguinary and disastrous civil war."

This appeal, coming as it does from the chief magistrate of the Territory, so well qualified by his position, and by his personal and official character, to form a correct estimate of the impending danger and of the proper means to avert it, has engaged the earnest attention of the President, and he has examined with care the facts and considerations presented by you.

There are two points upon which you desire the instructions of the President. The first is, whether a territorial tax must be paid to entitle a person to vote at the

structions of the President. The first is, whether a territorial tax must be paid to entitle a person to vote at the election in October; and the second is, whether a person can vote under the organic act of Congress establishing the Territory, although excluded by the express provisions of the territorial act of February 20, 1857? Your own opinion is decidedly expressed that the payment of a tax is not required as a qualification, and that the territorial act legally regulates the right of suffrage. Your application presents very grave considerations. The free exercise of the elective franchise is at all times an object peculiarly dear to the American people. It should be approached with great caution. The responsible relations which exist between the President and Kansas, and between yourself and that Territory, can be most usefully maintained by carefully acting within the clearly-defined sphere prescribed to both these executive officers.

It is the duty of the President to take care that the

It is the duty of the President to take care that the laws are faithfully executed. He is an executive, not iguicial officer, and he has no power to declare authoritatively who shall or shall not vote under the laws of Kan tively who shall or shall not vote under the laws of Kansas. By the territorial act of August 29, 1855, to regulate elections, this power is conferred upon the judges of election "in each county or voting precinct," and these judges are appointed by the county commissioners, and not by the governor. In no case of a contested election under the act is the governor authorized to act as a judge in any stage of the proceedings. The wise and wholescome jealousy against executive interference, so consonant with the spirit of our institutions, is clearly shown

in the provisions of the act. Indeed, there is but one case in which the governor has been authorized even to issue a proclamation, and that is, "should any two or more persons receive an equal number of votes" for the same of fice. Cases of contested elections for members of the legislative assembly are to be decided by the respective houses; for probate judges by the proper district courts; and for sheriffs, county commissioners, and clerks of probate courts by the respective probate courts. Thus, the governor seems to have been excluded from any participation in the conduct of elections.

It is his duty, required, as he is, to see that the laws of the Territory are faithfully executed, to take care that the elections shall be free and fair, and to resist whatever violence may be employed to prevent any individual from going to the polls, and having his claim to vote decided by the judges; but this decision, whatever it may be, is final, so far as the executive is concerned.

There is, notwithstanding, one point of view in which it may be proper for the Executive of the United States to express an opinion upon the questions you have submitted.

The Territory of Kansas is in a peculiar condition. By your statement—and possessing, as you do, the bert means of information, your views, in the opinion of the

In communicating this opinion, the President has no idea, as I have already stated, that it can have any legal effect in determining the qualifications of individual voters in the Territory, and he only expresses it in deference to your inquiry, and for the single reason which I have just indicated.

st indicated.

I am, sir, your obedient servant, &c.,
LEWIS CASE To Rosser J. Walker, Esq., Governor of the Territory of Kansas, Lecompton

MINNESOTA .- MESSAGE OF GOV. MEDARY

The St. Paul Pioneer and Democrat of the 12th in stant furnishes us with the proceedings of the State legislature for the preceding day, and a copy of Gov. ernor Medary's message. In the senate a debate of some length occurred on a motion to print the State constitution, the black republicans desiring a separate publication of the constitution as adopted and signed by the two portions of the convention by which is was framed. A protest was also presented by the black-republican senators against recognising Gov ernor Medary as in any way invested with authority under the State government. The apparent difficulty suggested by this protest is fully obviated by a to it. Notice had been given of the introduction of a bill providing for and specifying the manner in which United States senators shall be elected.

The message of Governor Medary is of moderate length, and is chiefly devoted to topics of local interest to the new State. Its suggestions seem of a character to promote the prosperity and happiness of the people, and to develop its resources of every kind. He makes but a single allusion to questions of national interest, which is embraced in the subjoined quotation. We rejoice that Gov. Medary has placed on record an opinion so exactly applicable to the present circumstances. It is safe to say that if he now had control of the columns of the Ohio States man, it would not have deviated a moment from the support of a principle so just and so republican, imbodying, as it does, the true interpretation of the Kansas-Nebraska bill :

"Notwithstanding the excitement which has recently "Notwithstanding the excitement which has recently disturbed the nation in relation to the powers of the general government over the Territories, let us hope that the question may soon find a satisfactory solution. The future peace and harmony of the States and Territories can be best secured by each acting in its own proper sphere. A people accustomed to regulate and control their own social and political relations will not long remain in disorder when left to devise their own means of safety.

"On the application of a new State for admission into the Union, Congress has power, and it becomes its duty, to inquire whether it is republican in its organization, accepting to the remaining of that term as amplied to the

to inquire whether it is republican in its organization, ac-cording, to the meaning of that term as applied to the principles and practices of our government from the be-ginning. But it has neither the power nor right to pre-scribe the mode by which the people shall arrive at that organization. Any other conclusion would preclude the idea of equality; because the equality of States does not mean being equal in size or strength, or similar in domes-tic policy, but equal in the rights reserved to the States and the people in their sovereign capacity."

DECEASE OF VENERABLE MEN.

The Hon. Henry Potter, judge of the United States district court of North Carolina, who died on the 20th instant at Fayetteville, in that State, was in the ninety-third year of his age. He was born in Mecklenburg, Virginia, in 1765, was appointed district judge by Jefferson in 1801, and was long associated in the discharge of his duties with Chief Justice Marshall. He was a cotemporary of Caswell, Davie. Alexander, Taylor, Hill, and others, distinguished in their day in North Carolina, and was the last survivor of those who signed the original constitution of the Grand Lodge in that State in 1787.

Judge Potter was in Philadelphia, and was presen and heard General Washington deliver his first message to the Congress that convened after his election to the presidency; and "was familiar with the presence of Hamilton, Madison, Adams, Jefferson, Lee, Wayne Carroll, Pinckney, Randolph, King, and others." The New Jersey papers chronicle the decease

Hon. William Chetwood, of Essex county, on the 18th instant, at the advanced age of eighty-eight years. He was born at Elizabeth in 1769, graduated at Princeton College in 1792, and was admitted to the bar in 1798. Shortly after, being admitted as counsellor in 1799, he was appointed prosecutor of the pleas for Essex county, and was subsequently called to fill a similar office in Sussex. He was also member of the State council, and represented the State in Congress during Gen. Jackson's administration, having been elected to fill a vacancy, and was for several years mayor of the borough of Elizabeth In 1799 the deceased was aid-de-camp to Major

General Lee, while commandant of the troops who were assigned to suppress the famous whiskey in surrection, and served throughout that expedition. He was an able lawyer and good advocate, and continued the practice of his profession with success until he was over seventy years of age, meriting the confidence and respect of those who knew him-He stood second, in point of age, on the list of the bar of New Jersey.